

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

DELTA L. EADY,)
Plaintiff,) Case No. 1:24-cv-339
v.) Judge Travis R. McDonough
AMERICAN TOWING & RECOVERY, et al,) Magistrate Judge Michael J. Dumitru
Defendants.

ORDER

On May 16, 2025, United States Magistrate Judge Dumitru filed his Report and Recommendation (Doc. 31) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Lee recommended that Plaintiff's second amended complaint (Doc. 27) be dismissed in part as to his claims against Defendants Michael Otto, John Doe, and Jane Doe. The Magistrate Judge further recommended that Plaintiff's remaining claims proceed.

Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has conducted a review of the Report and Recommendation, as well as the record, and it agrees with Magistrate Dumitru's well-reasoned conclusions.

Accordingly, the Court hereby **ADOPTS** Magistrate Judge Dumitru's Report and Recommendation (Doc. 31). Plaintiff's second amended complaint is hereby **DISMISSED IN**

¹ Magistrate Judge Lee specifically advised Mr. Hall that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 10); *see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file any objections has now expired.

PART as to the claims against Defendants Michael Otto, John Doe, and Jane Doe. Plaintiff's remaining claims will proceed.

SO ORDERED.

/s/ Travis R. McDonough _____

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**